

Amendment
USSN 09/881,722

REMARKS

Applicant thanks that Examiner for acknowledging acceptance of the drawings filed on June 18, 2001.

Applicant also thanks the Examiner for acknowledging his claim to priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document.

Applicant has made several editorial amendments to the specification. Nothing new was added.

Claims 1-12 are all the claims pending in the application.

Claims 1, 2 and 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,870,215 to Milano et al. in view of USP 6,091,529 to Fischer et al. Claims 4, and 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Milano in view of Fischer and further in view of USP 5,790,291 to Britz. Applicant respectfully disagrees.

Claim 1 of the present application recites a transceiver for transmitting signals coming from a source of signal-carrying coherent light. The Examiner has agreed that Milano fails to disclose transmitting or receiving coherent light. However, the Examiner asserts that Fischer discloses transmitting and receiving coherent light. The Examiner then combines Milano and Fischer, and rejects claims of the present application. Applicant respectfully disagrees, and asserts that the Examiner's combination of the prior art is improper.

Fischer discloses a method for establishing a channel grid for optical transmission channels. As shown in Fig. 2 of Fischer, information regarding a transmitting laser 6 and a local oscillator laser 9 is stored in a common terminal data archive 12.

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However, Milano teaches away from using laser. Milano is directed to an infrared transmitter and receiver assembly for covertly communicating among friendly forces in a military and/or battlefield environment (Milano, col. 1, lines 9-13). As shown in Fig. 1 of Milano, each pair of transponder and interrogator device comprises a non-coherent infrared light emitting diode (IR-LED) 10 (Milano, col. 2, lines 43-48). One of the objects of Milano is to provide a fully eye safe device for identifying friend or foe (IFF) (Milano, col. 2, lines 32-35). But Milano specifically points out that IFF systems integrated with laser targeting and designation devices carry considerable risks of cornea damage and retina damages to the users, and radiation damage to the eyes of users can occur even with "eye safe lasers" (Milano, col. 2, lines 13-19).

Thus, Milano tries to avoid use of laser, instead of desiring use of laser. There is no suggestion or motivation in the cited references or in the knowledge generally available to one of ordinary skill in the art to combine Milano and Fischer. There is no reasonable expectation of success either.

In addition, it is well known in the art that a transceiver for use with coherent light needs a spatial separator to separate the coherent light to be transmitted and the received coherent light. However, Milano clearly shows that the transmitted light and received light are at different wavelengths, so it uses wavelength or frequency separation. As shown in Fig. 2 of Milano, a transponder receives signals from an interrogator at a first frequency 880 nm, and transmits a response signal at a second frequency 950nm (Milano, col. 2, lines 63-64; col. 3, lines 12-14; col. 6, lines 5-6; and col. 7, lines 1-3). If coherent light of Fischer were used with the frequency

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separation structure of Milano, there would be nothing to keep the transmitted and received signals separate. Thus, combination of Milano and Fischer is improper for this additional reason.

Accordingly, Applicant respectfully submits that claim 1 and its dependent claims 2-6 are patentable.

Independent claim 7 recites a method of through-air transmitting/receiving an information carrying coherent light beam. Thus, claim 7 and its dependent claims 8-10 are patentable for the same reasons as those of claims 1-6.

The newly added claims 11 and 12 recite a transceiver with an aperture that spatially separates coherent light to be transmitted from received signal-carrying coherent light. As discussed above, Milano uses frequency separation. Fischer does not supply any of Milano's deficiencies. Thus, even if one skilled in the art were to combine the teachings of Milano, with that taught by Fischer, the resulting combination would not result in the inventions of claims 11 and 12. Therefore these claims are patentable for this additional reason as well.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.